

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 270

September 13, 1999, 5:00 p.m.
Page S-10771 Temp. Record

DEPLORING CLEMENCY FOR TERRORISTS/Cloture, motion to proceed

SUBJECT: A resolution deploring President Clinton's grant of clemency to 16 FALN terrorists . . . S. J. Res. 33. Lott motion to close debate on the motion to proceed.

ACTION: CLOTURE ON THE MOTION TO PROCEED AGREED TO, 93-0

SYNOPSIS: As introduced, S.J. Res. 33 will resolve, the House and the Senate concurring, "that making concessions to terrorists is deplorable and that President Clinton should not have granted clemency to the FALN terrorists." The resolution will make numerous findings, as follows: the Armed Forces of National Liberation (FALN) is a militant terrorist organization that claims responsibility for the bombing of approximately 130 civilian, political, and military sites throughout the United States; its reign of terror resulted in 6 deaths and the permanent maiming of dozens of others, including law enforcement officials; 16 members of the FALN were tried for numerous felonies against the United States, including seditious conspiracy; none of the 16 defendants contested any of the evidence presented by the United States; none of the defendants expressed any remorse for the crimes; not a single act of terrorism has been attributed to the FALN since the imprisonment of the 16 terrorists; no petitions for clemency were made by these terrorists, but other individuals sought such clemency for them; on August 11, 1999, President Clinton offered conditional clemency to these terrorists, all of whom had served less than 20 years in prison (the condition was that they had to renounce violence); the State Department in 1998 reiterated two longstanding tenets of counter-terrorism policy, which are that the United States will not make concessions to, or strike deals with, terrorists and that the United States will bring terrorists to justice for their crimes; the President's offer of clemency to the FALN terrorists violates longstanding tenets of United States counter-terrorism policy; and the release of terrorists is an affront to the rule of law, the victims and their families, and every American who believes that violent acts must be punished to the fullest extent of the law.

On September 10, 1999, Senator Lott sent to the desk, for himself and others, a motion to close debate on the motion to proceed to the bill.

NOTE: A three-fifths majority (60) vote is required to invoke cloture.

(See other side)

YEAS (93)				NAYS (0)		NOT VOTING (7)	
Republican (49 or 100%)		Democrats (44 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (6)	Democrats (1)
Abraham	Hutchison	Akaka	Kennedy			Bennett ⁻²	Graham ⁻²
Allard	Inhofe	Baucus	Kerrey			Enzi ⁻²	
Ashcroft	Jeffords	Bayh	Kerry			Hatch ⁻²	
Bond	Kyl	Biden	Kohl			Helms ⁻²	
Brownback	Lott	Bingaman	Landrieu			Sessions ⁻²	
Bunning	Lugar	Boxer	Lautenberg			Smith, Gordon ⁻²	
Burns	Mack	Breaux	Leahy				
Campbell	McCain	Bryan	Levin				
Chafee	McConnell	Byrd	Lieberman				
Cochran	Murkowski	Cleland	Lincoln				
Collins	Nickles	Conrad	Mikulski				
Coverdell	Roberts	Daschle	Moynihan				
Craig	Roth	Dodd	Murray				
Crapo	Santorum	Dorgan	Reed				
DeWine	Shelby	Durbin	Reid				
Domenici	Smith, Bob (I)	Edwards	Robb				
Fitzgerald	Snowe	Feingold	Rockefeller				
Frist	Specter	Feinstein	Sarbanes				
Gorton	Stevens	Harkin	Schumer				
Gramm	Thomas	Hollings	Torricelli				
Grams	Thompson	Inouye	Wellstone				
Grassley	Thurmond	Johnson	Wyden				
Gregg	Voinovich						
Hagel	Warner						
Hutchinson							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those favoring the motion to invoke cloture contended:

The FALN, a terrorist organization which wants to make Puerto Rico an independent nation, started an evil and cowardly bombing campaign in the United States in 1974. That campaign only ended when its core leadership was arrested and imprisoned in the early 1980s. In total, it detonated more than 130 bombs, which murdered 6 people and resulted in permanent, disabling injuries for dozens of others. Law enforcement agents, in a daring undercover operation, were able to penetrate the FALN and identify its leaders. Those leaders were filmed making bombs, their plans for additional terrorist attacks were uncovered, and some of them were even arrested as they were traveling in a van loaded with bombs and firearms. President Clinton, on August 11, offered clemency to these terrorists, and he did so against the advice of the Federal Bureau of Investigation, the Bureau of Prisons, and the Fraternal Order of Police. He offered that clemency even though the terrorists did not ask for it, and the only condition he attached was that they would have to renounce the use of violence. We imagine that Federal prisons would quickly empty if we let every violent prisoner go who promised he would not commit any more violent crimes. In this case, the terrorists are so radical that it took weeks for some of them to accept the offer, and four have refused it because they are unwilling to promise that they will not blow up any more innocent people.

President Clinton made his decision to release the FALN terrorists at the same time as his wife was campaigning for the Senate in New York. Many commentators believe he hoped to win votes for his wife from the large Hispanic population in New York City. However, law enforcement groups and victims rights groups were outraged, and his clemency offer did not poll well in New York State. His wife then opposed his granting of clemency, and the President denied that she was in any way involved in the decision or that he had any political motivations. The Clinton Administration has insisted that it is just coincidence that before this decision the President had only granted 3 out of the more than 4,000 clemency requests during his presidency, that in granting these terrorists clemency (which they had not even requested) he did not follow the procedures that have been in place since Grover Cleveland was President, that this time is the only time that he has granted clemency against the advice of law enforcement officials, and that he granted clemency even though the Justice Department did not take an official position as required.

As the degree of opposition to his freeing of terrorists became apparent, President Clinton looked for a way to justify his action. He made the contemptibly misleading statement that they had "served very long sentences for offenses that did not involve bodily harm to other people." His clear purpose in making that statement was to imply that they were in no way responsible for the years of mayhem, because they themselves had not been convicted of setting off the bombs. However, the President knows full well that they were the leaders of this murderous organization that regularly claimed "credit" for its terrorist attacks. Would the President offer the same excuse for Osama Bin Laden, the terrorist who runs the organization that blew up two United States embassies a year ago?

The President has a constitutional right to offer clemency, but he is accountable to the American people. They have a right to know why he suddenly decided to give clemency. The civilian and law enforcement victims of the FALN especially have a right to know. Unfortunately, the Administration has so far refused to release the documents that show how it came to its decision. What is it hiding?

Our great fear is that this release will encourage terrorist attacks against the United States by sending the message that the United States lacks resolve. Letting these terrorists go, perhaps for some secret reason that is contained in the documents the White House will not release, goes against the United States' longstanding policies of refusing to make deals with terrorists and of ensuring that they are punished for their cowardly crimes. Therefore, we have offered this resolution as a way of signaling to terrorists that Congress, on a bipartisan basis, opposes leniency for terrorists. Members on both sides of the aisle deplore the President's decision. No potential terrorist should be emboldened by the release of these criminals; their release should be viewed as an aberration rather than a change in policy. We urge all Senators to join us in opposing the President's decision by supporting this resolution.

While favoring the motion, some Senators expressed the following reservations:

The original draft of this resolution made some rather political charges against the President which were objectionable. Those have been removed. We can now support this resolution, but we note that it would be better if the Senate spent more time on passing appropriations bills, confirming judges, and taking care of other pressing business rather than considering resolutions such as the one before us, which clearly has some partisan motivations. With that said, we oppose clemency for terrorists, so we must support the motion to invoke cloture.

No arguments were expressed in opposition to the motion.